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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,706	05/01/2002	Stefan Kastner	VAW-6	1805
21890	7590	05/02/2006	EXAMINER	
PROSKAUER ROSE LLP PATENT DEPARTMENT 1585 BROADWAY NEW YORK, NY 10036-8299			COZART, JERMIE E	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,706

Applicant(s)

KASTNER, STEFAN

Examiner

Jermie Cozart

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Appeal Brief

1. In view of the appeal brief filed on 2/13/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

David Bryant, SPE 3726.



Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3726

3. Claims 6, 11-14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaul (2,800,709) in view of Junker (1,701,889).

Gaul discloses producing an aluminum composite material (figs. 1-5), wherein at least one cladding layer (2) from a first aluminum material (col. 3, lines 47-51) is provided, the cladding layer (2) is placed on a side of an ingot (1) made from a second aluminum material (col. 3, lines 47-51), and the cladding layer (2) and the ingot (1) are rolled wherein the rolling comprises several roll passes thereby producing the aluminum composite material (col. 4, lines 68-75). Gaul discloses treating at least one surface of the second ingot by preheating and then scalping (col. 4, lines 32-47). *See also figures 1-5 for further clarification.*

Gaul, however, does not disclose cutting the cladding layer from a first ingot made from a first aluminum.

Junker discloses cutting a strip or layer from a first ingot made from a first material (lines 34-65), in order to effectively and inexpensively provide layers/strips with a desired thickness, as compared to traditional manufacturing techniques in which the strips are rolled from cast ingots (lines 1-6). *See figure 1 also for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cut the layer of Gaul from an ingot, in light of the teachings of Junker, in order to effectively and inexpensively provide layers/strips with a desired thickness.

Regarding **claims 11 and 16**, Gaul discloses all of the claimed subject matter except for the cladding layer having a thickness of 2mm to 100mm. It would have been

Art Unit: 3726

obvious to one having ordinary skill in the art at the time the invention was made to provide the cladding layer with a thickness in the range of 2mm to 100mm, as the Examiner takes Official Notice that cladding layers in such a thickness range are conventional and are of sufficient thickness to provide the intended desirable cladding characteristics. Further, it has been held where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves on routine skill in the art. *In re Aller*, 105 USPQ 233.

4. Claims 7-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaul/Junker as applied to claims 6 and 14 above, and further in view of Follrath (3,908,746).

Gaul/Junker as modified above discloses all of the claimed subject matter except for the cutting comprising sawing.

Follrath discloses cutting an ingot (24) comprising sawing the ingot with a saw (145), in order to cut the ingot into the desired length. *See column 8, line 27 – column 9, line 4, and figure 1 for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art to substitute the cutting device of Gaul/Junker with a saw to cut/saw the ingot of Gaul/Junker, in light of teachings of Follrath, in order to cut the ingot into the desired length. Clearly the two types of cutting devices are functional equivalents in the art for cutting ingots.

Regarding **claim 8**, Gaul discloses all of the claimed subject matter except for the cladding layer having a thickness of 2mm to 100mm. It would have been obvious to

Art Unit: 3726

one having ordinary skill in the art at the time the invention was made to provide the cladding layer with a thickness in the range of 2mm to 100mm, as the Examiner takes Official Notice that cladding layers in such a thickness range are conventional and are of sufficient thickness to provide the intended desirable cladding characteristics.

Further, it has been held where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves no routine skill in the art.

In re Aller, 105 USPQ 233.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference cited on the attached PTO-892 is cited to show the cutting of ingots using a saw.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3726

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jermie Cozart", with a stylized flourish at the end.

Jermie Cozart
Examiner
Art Unit 3726